

# TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS



## MEMBERS OF THE BOARD

Brian Brumley, LMSW-IPR, Chair

Martha Mosier, LCSW-S, Vice-Chair

Katie Andrade, LMSW

Megan Marie Graham, MA

Ben Morris, MEd

Audrey Ramsbacher, LBSW

Asia Rodgers

Dolores Saenz-Davila, LCSW-S

Jennifer Swords, LBSW

Member: Texas Behavioral Health Executive Council

Darrel D. Spinks

Executive Director, TBHEC

Sarah Faszholz, MBA

Board Administrator, TSBSWE

## MINUTES

**Friday, January 7, 2022**

The Texas State Board of Social Worker Examiners met via Zoom video conference on January 7, 2022. The following Board members were in attendance: Brian Brumley, LMSW-IPR, Chair; Martha Mosier, LCSW-S, Vice-Chair; Katie Andrade, LMSW; Megan Marie Graham, MA; Audrey Ramsbacher, LBSW; Asia Rodgers; and Jennifer Swords, LBSW. Also, in attendance were Darrel Spinks, BHEC Executive Director; Tim Speer, BHEC Director of Operations; Patrick Hyde, BHEC General Counsel; Andrew Hurt, BHEC Staff Attorney; Brenda Skiff, BHEC Executive Assistant; and Sarah Faszholz, TSBSWE Board Administrator.

1. The meeting was called to order at 8:32 a.m. by Chair Brumley.
2. The Board considered Item 2: Approval of the October 8, 2021 Board meeting minutes. Ms. Mosier made the motion to approve the minutes. Ms. Ramsbacher seconded the motion. The minutes were approved.
3. The Board considered Item 3: Board review and action regarding appeals of application for licensure denials, including
  - A. Emily Bragan, Dashana Hall, and Latoya Ogidan: Ms. Bragan, Ms. Hall, and Ms. Ogidan attended and had opportunity to address the Board. Ms. Graham made the motion to leave the applications open while the Board pursues rule change. Ms. Ramsbacher seconded the motion. The motion carried.
  - B. Kristina Robertson: Ms. Robertson attended and was represented by Atty Rodney Montes. Atty Montes and Ms. Robertson had opportunity to address the Board. Ms. Mosier made the motion to instruct staff to proceed with application review. Ms. Ramsbacher seconded the motion. The motion carried.
  - C. Tammy Thompson: Ms. Thompson attended and had opportunity to address the Board. Per statute, Ms. Mosier made the motion to deny the application. Ms. Swords seconded the motion. The motion carried.
4. The Board considered Item 4: Board review and possible action regarding agreed orders to be executed by the Board. Ms. Faszholz reported there were none.
5. The Board considered Item 5: Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH). Ms. Faszholz reported there were none.
6. The Board considered Item 6: Report of agreed orders executed by the Council's Executive Director. Ms. Faszholz and staff provided the written report.
7. The Board considered Item 7: Report of cases dismissed by the Council's Executive Director. Staff provided the written report.
8. The Board considered Item 8: Status report of quarterly enforcement case activities. Staff provided the written report.
9. The Board considered Item 9: Report of compliance with agreed orders. Staff provided the written report.

10. The Board considered Item 10: Report from Committee Chairs:
  - A. Report from Ethics Committee Chair. Mr. Brumley reported no committee activity since last meeting.
  - B. Report from Licensing Standards and Qualification Committee Chair. Ms. Mosier reported no committee activity since last meeting.
  - C. Report from Professional Development Committee Chair. Mr. Brumley reported no committee activity since last meeting.
  - D. Report from Rules Committee Chair. Ms. Mosier reported no committee activity since last meeting.
11. The Board considered Item 11: Re-elect or replace public member delegate to the Texas Behavioral Health Executive Council per Texas Occupations Code §507.051, Ben Morris, MEd, whose term as delegate expires February 1, 2022 per 22 TAC §881.4 *Council Member Terms*. Chair Brumley nominated Ms. Rodger, who accepted the nomination. Ms. Mosier made the motion to elect Ms. Rodgers as public member delegate. Ms. Ramsbacher seconded the motion. The motion carried.
12. The Board considered Item 12: Review of public comment on proposed rules (published in the October 1, 2021 *Texas Register* [46 TexReg 6485] and recommendations to the Texas Behavioral Health Executive Council (Council) concerning adoption of proposed changes in Title 22 of the Texas Administrative Code. Ms. Graham made the motion to recommend the Council adopt as proposed the following items. Ms. Mosier seconded the motion. The motion carried.
  - A. §781.206 *Board Minutes*: to repeal rules related to meeting minutes.
  - B. §781.401 *Qualifications for Licensure*: to codify Board policy that at least one site must provide a minimum of four hours per week in which the LMSW delivers assessment, diagnosis, and treatment; to remove redundant text that requires supervised experience to occur no earlier than five years before date application for LCSW is received [see §781.406(c)(3)]; and to remove text concerning requirements for Licensed Master Social Worker-Advanced Practitioner (LMSW-AP).
  - C. §781.404 *Recognition as a Council-approved Supervisor and the Supervision Process*: to clarify minimum requirement for supervision hours; to delete sentence defining “month”; and to remove certain references to requirements for LMSW-AP.
  - D. §781.406 *Required Documentation of Qualifications for Licensure*: to clarify reinstatement application requirements such that supervised experience must have occurred within the five calendar years immediately preceding the date of an initial or upgrade application.
  - E. §781.412 *Examination Requirement*: to align with recent operational changes that moved pre-authorization process to register for exam from the Council to ASWB, and with the Council's §882.6 Limitation on Number of Examination Attempts. The rule change also allows staff to accept an applicant's ASWB national examination score that is dated no more than two years before the date the initial or upgrade application is received.
13. The Board considered Item 13. Review of recommended rule changes in Title 22 of the Texas Administrative Code put forth by the Council's Standardization Work Group and reviewed by the SW Board's Rules Committee. Ms. Mosier made the motion to recommend the Council publish proposed rules. Ms. Swords seconded the motion. The motion carried.
  - A. New §781.501 *Requirements for Continuing Education*;
  - B. Changes to §781.404 and 781.805, regarding *Recognition as a Council-approved Supervisor and the Supervision Process* and *Schedule of Sanctions*; and
  - C. Repeal of §§781.508 - 781.510, and 781.514, concerning *Hour Requirements for Continuing Education*; *Types of Acceptable Continuing Education*; *Activities Unacceptable as Continuing Education*; and *Credit Hours Granted*.
14. The Board considered Item 14: Discussion and possible action regarding jurisprudence exam:
  - A. Ms. Faszholz provided the vendor's written quarterly summary for the Board's Jurisprudence Exam.

- B. Ms. Faszholz reported monitoring rules adoptions for possible updates Board's Jurisprudence Exam.
15. The Board considered Item 15: Discussion and possible action regarding October 8, 2021, letter from stakeholders expressing concerns about purported disparities in the pass rates of various demographic groups on the national exam. The Board welcomed comments from Dwight Hymans, Chief Executive Officer; Lavina Harless, Senior Director of Examination Services; and Jennifer Henkel, Senior Director of Member Engagement and Regulatory Services from the Association of Social Work Boards (ASWB). Mr. Hymans reported ASWB has contracted with psychometric group to begin the process of gathering and analyzing demographic data. It will be a major project throughout this year and an ongoing process. ASWB will release public reports on this process. Ms. Harless noted some of the complexities of the project, including variables, such as: age, race and ethnicity, and gender; number of exam attempts; requests for disability status and those individuals' exam performance with nature of disability and specific accommodation requested; and performance by social work program.
  16. The Board considered Item 16: Discussion concerning reported limited opportunities for LMSWs to accrue post-license, supervised experience hours. No action was taken.
  17. The Board considered Item 17: Update from Executive Director concerning Department of Defense's and Council on State Governments' partnership with Association of Social Work Boards, Clinical Social Work Association, and National Association of Social Workers to develop Interstate Social Worker Compact for licensure portability. Director Spinks gave the report, noting technical input continues with lessons learned from other compacts and may be done in next six months. Work by the Drafting Team is the next step. Public comment will be gathered after draft legislation is completed.
  18. The Board considered Item 18: Report from the Board Chair. Chair Brumley gave the report, noting good report on application processing. Director Spinks reported the expected move to the new building is scheduled for June or July; the ongoing impact of last February's winter storm has been more challenging than COVID; staff retention is an emerging problem and needs legislative action; the agency is not fully staffed and not able to fill vacancies; and Legislative Appropriations Request (LAR) is to be submitted in June or July.
  19. The Board considered Item 19: Report from the Board's Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Council. Chair Brumley gave the report along with written materials provide by staff, including
    - A. The Council's rulemaking actions taken at its October 26, 2021 meeting.
    - B. Other Council rulemaking actions in process.
    - C. Update on Budget and agency-related travel. Director Spinks noted the Council's travel policy in in progress.
  20. The Board considered Item 20: Report from the Board Administrator. Ms. Faszholz gave the report, including rulemaking activities reported on SW Board News webpage, up-to-date Consolidated Rulebook on Statutes and Rules webpage, and reminder that fingerprint is required for renewal with information and frequently asked questions on Fingerprint Information webpage.
  21. The Board considered Item 21: Future priorities and activities of the Board. During discussion of licensing appeals (agenda Item 3), Ms. Faszholz was instructed to include on next agenda discussion and possible action concerning rules related to requirement that supervised experience occur no earlier than five calendar years before date application is received. Chair Brumley requested discussion of ASWB exam in Spanish.
  22. The Board opened Item 22: Public comment:
    - A. Will Francis, LMSW, Executive Director for National Association of Social Workers, Texas Chapter (NASW-TX), thanked the Board for opportunity to speak and wealth of information to relay to NASW-TX members. Regarding growth of Texas LCSWs, Mr. Francis cautioned against action to adopted "delegating" rules without discussion with and information gathering from stakeholders. Mr. Francis noted current rules provide for electronic supervision techniques and encouraged Board to broaden these rules for remote supervision before moving on "delegation." Concerning Spanish ASWB exam(s), Mr. Francis noted

Texas' large Spanish-speaking population and many social workers provide services in Spanish, and opined that training and testing in the primary language that services are to be provided makes a lot of sense. Mr. Francis encouraged Board to advocate with ASWB for Spanish exam(s) and opined that other states would benefit from such exams.

- B. Sandra Martin, MA, LPC, Government Liaison for Christian Counselors of Texas (CCT), offered invitation to February 10-12 Conference at Courtyard Marriott in Pflugerville (or online); solicited attendance and input from social work educators and called for educators to contact CCT via their website: [cctx.org](http://cctx.org); and thanked the Board Members for their work.

- C. Lou Ann Bankston, LBSW, stated she is retiring and asked about retiring social work license.

- 23. The Board considered Item 23: Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events; including January 29, 2022 ASWB Board of Directors meeting in Fort Worth; February 1, 2022 BHEC meeting; February 10-12, 2022 Christian Counselors of Texas conference; February 28, 2022 Insights Over Lunch Hour; April 22, 2022 SW Board meeting; April 28, 2022 ASWB Administrators Forum, Chicago, IL; April 29-30, 2022 ASWB Education Meeting, Chicago, IL; May 18, 2022 BHEC meeting; and October 2022 NASW-TX conference, Galveston.
- 24. The meeting was adjourned at 11:01 a.m. by Chair Brumley.